

***Ronald B. Reiss, Attorney at Law***

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Attorney for Plaintiff  
JOHN RODGERS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN RODGERS,

Plaintiff,

vs.

DANA PLAZA SHOPPING CENTER,  
ALESCO II LLC, JOHN J. McPHEE, LAURA  
M. McPHEE, and DOES 1-50, Inclusive.

Defendants.

Case No.: C14-02915 DMR  
Civil Rights

**STIPULATION FOR DISMISSAL OF  
ACTION; ~~PROPOSED~~ ORDER**

**STIPULATION**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, plaintiff JOHN RODGERS ("Plaintiff") and defendants DANA PLAZA SHOPPING CENTER, ALESCO II LLC, JOHN J. McPHEE, and LAURA M. McPHEE ("Defendants"), by and through their respective attorneys of record, stipulate that:

1. This case has been settled and all issues and controversies between the parties have been resolved to their mutual satisfaction pursuant to the terms of a Settlement Agreement and General Release ("Settlement Agreement") entered into between the parties;

2. Plaintiff's Complaint in the above-entitled action shall be dismissed with prejudice as against all Defendants;

1           3.       The parties consent to and request that the Court retain jurisdiction to enforce the  
2 Settlement Agreement for a period of 18 months after the date hereof, under the authority of  
3 *Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 381-82 (1994); and

4           4.       Outside the terms of the Settlement Agreement, all parties shall bear his, her, or  
5 its own costs and fees in the action.

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7           **IT IS SO STIPULATED.**  
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9           Dated: March 20, 2015

RONALD B. REISS, ATTORNEY AT LAW

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11           By:                     /S/                      
12                       Ronald B. Reiss  
13                       Attorney for Plaintiff JOHN RODGERS

14           Dated: March 20, 2015

COOPER, WHITE AND COOPER LLP

15           By:                     /S/                      
16                       Scott M. McLeod  
17                       Attorney for Defendants ALESCO II. LLC, JOHN  
18                       J. McPHEE, and LAURA M. McPHEE  
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**ORDER**

The parties having so stipulated,

IT IS HEREBY ORDERED that:

1. Plaintiff's Complaint in the above-entitled action shall be dismissed with prejudice as against all Defendants;

2. By consent of the parties, the Court shall retain jurisdiction in this matter for the purpose of enforcing the terms of the Settlement Agreement for a period of 18 months from the date hereof; and

3. All parties shall bear his, her, or its own costs and fees in the action.

Dated: March 25, 2015



HON. DONNA M. RYU  
U.S. MAGISTRATE JUDGE